



# PATENT

ATTORNEY DOCKET NO.: 040894-7232

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Hitoshi NAKAJIMA et al.

Application No.: 10/534,722

Filed: January 30, 2006

For: CATALYST FOR FUEL CELL AND  
ELECTRODE USING THE SAME

Confirmation No.: 5604

Group Art Unit: 1745

Examiner: Not Yet Assigned

U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

## **INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

The listed documents were cited in a European Search Report dated April 4, 2008. A copy of the European Search Report is enclosed for the Examiner's consideration. Pursuant to the new rules, copies of the U.S. patents and published U.S. patent applications are not included but will be provided on request.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "Prior Art." If it should be determined that the listed documents do not constitute "Prior Art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

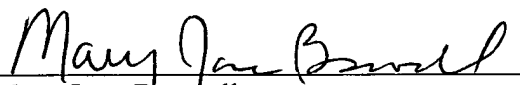
**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: May 22, 2008

By:

  
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